

Before the Board of Zoning Adjustment, D. C.

Application No. 11830, of the First Baptist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 4101.41, for permission to establish a parking lot in the SP District at 1309 17th Street, N. W., Lot 30, Square 181.

FIRST HEARING DATE: January 15, 1975  
FIRST DECISION DATE: January 15, 1975 (Bench Decision)

SECOND HEARING DATE: June 22, 1976  
SECOND DECISION DATE: July 13, 1976

FINDINGS OF FACT:

1. The application was first heard and granted on January 15, 1975. A motion to reconsider failed for lack of four affirmative votes. On August 19, 1975, the District of Columbia Court of Appeals remanded the case to the Board for further proceedings.

2. The subject property is located in an SP District.

3. The application was referred to the Department of Transportation, pursuant to Paragraph 4101.41 of the Zoning Regulations; however, that Department did not submit comments within the time provided by Sub-section 3.41 of the Supplemental Rules of Practice and Procedure.

4. The Advisory Neighborhood Commission opposed the application on the ground that the continuing replacement of residences by parking lots in the Dupont Circle area is adversely affecting the residential character of the neighborhood and its desirability as a place to live.

5. The applicant church intends to construct a church-related building when financing is available. It has been acquiring properties with this view in mind. As an interim, the applicant has, with Board approval, established a commercial parking lot on parts of these premises.

6. Lot 30, the subject of the application, is a small lot which would accomodate eight (8) cars. It would be operated as a commercial parking lot on weekdays and be available at no cost to applicant's members and guests on Sundays and Wednesday evening meeting nights.

7. The subject lot would be incorporated into lot 852 and 29, for which permits to operate as commercial parking lots have already been issued and which, in addition, service applicant's members and guests..

8. There are more surface parking lots in this predominantly residential area neighborhood than are necessary to meet its needs. The displacement of housing by these lots has had a detrimental effect on the residential character of the neighborhood.

9. Applicant has no immediate plans to develop the property.

CONCLUSIONS OF LAW:

The SP District is intended to encourage the stability of such areas as, inter alia, desirable sites for residential buildings. Controlled parking facilities are to be encouraged therein. The encouragement of parking facilities is contingent on maintaining control over their development, and such control must specifically relate to preventing an increase in the number of parking lots which will adversely affect the residential character of the neighborhood and District.

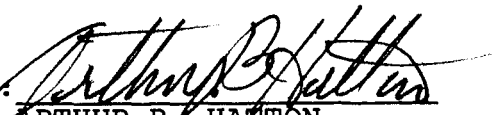
Based upon the record it is the Board's judgement that it must exercise care in evaluating the effect of, and need for, parking lots in this area in order to prevent their cumulative discordant effect upon the general purposes of the Zoning Regulations and Maps and to prevent their cumulative adverse effect upon the residential use which is intended to be preserved by Sub-sections 8207.2 and 4101.41. The Board concludes that to grant the relief sought herein would affect adversely the present character and future development of the neighborhood. Accordingly, it is

ORDERED that the application is DENIED and prior ORDER of the Board, dated January 29, 1975, is hereby RESCINDED.

VOTE: 4-0 (Lilla Burt Cummings, Esq., Ruby B. McZier, Esq., William F. McIntosh and Leonard L. Mc Cants, Esq.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
ARTHUR B. HATTON  
Executive Secretary

FINAL DATE OF ORDER:

12/27/76

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11830 of First Baptist Church - In this application the applicant seeks, pursuant to Sub-section 8207.2 of the Zoning Regulations, a special exception under Sub-section 4101.41. Specifically the applicant seeks permission to establish a parking lot in the SP District, at 1309 - 17th Street, N.W., Lot 30, Square 181.

Hearing held on January 15, 1975 and June 22, 1976

In order to permit this special exception the applicant must establish the following:

- a. Such use is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining and nearby property because of noise, traffic, or other objectionable conditions.
- b. The present character and future development of the neighborhood will not be affected adversely by the use.
- c. Before taking final action on an application for such use, the Board shall submit the application to the Director, Department of Vehicles and Traffic for review and report.

After reviewing all the evidence the Board finds that the applicant has not met these standards. The Board further finds that such special exception will not be in harmony with the general purpose and intent of the Zoning Regulations and Map and will tend to affect adversely the use of neighboring property.

Accordingly, it is hereby ORDERED that the application is DENIED.

VOTE: 4-0 (Lilla Burt Cummings, Esq., Ruby B. McZier, Esq., William S. Harps and William F. McIntosh) to deny, Leonard L. McCants, Esq. not voting

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



ARTHUR B. HATTON  
Executive Director

FINAL DATE OF ORDER:




Before the Board of Zoning Adjustment, D. C.

Application No. 11830 of First Baptist Church for permission to establish a commercial auto parking lot to be operated by parking management, Incorporated in the SP zone at 1309 - 17th Street, N. W., Lot 30, Square 181.

HEARD: January 15, 1975

DECIDED: January 21, 1975, February 25, 1975

ORDERED: That motion for reconsideration in the above case fails for lack of four affirmative votes.

ATTESTED BY:   
JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER **MAR 11 1975**

Before the Board of Zoning Adjustment, D. C.

Application No. 11830 of the First Baptist Church, pursuant to Section 8207.2 of the regulations for a special exception to permit a commercial automobile parking lot in the SP zone as provided by Section 4101.41, at the premises 1309 - 17th Street, N. W., Lot 30, Square 181.

HEARING DATE: January 15, 1975  
DECISION DATE: January 15, 1975

FINDINGS OF FACT:

1. The proposed parking lot, if granted, would be operated by Parking Management, Incorporated.
2. The subject property is now unimproved.
3. The applicant church intends to construct a church related building as soon as funds are available to them.
4. The applicant has parking lot licenses for two lots adjacent to the subject property which expires February 14, 1977.
5. The applicant proposes the use in question as an interim use of the subject property.
6. Opposition at public hearing was raised on grounds that the subject property should be used for residential use rather than a parking lot use.

CONCLUSION OF LAW AND OPINION:

Based upon the above findings, and the record, the Board concludes that the applicant has complied with Section 4101.41 of the Zoning Regulations, and that this application, if granted, would not adversely affect nearby and adjoining property. Evidence of record indicates that the proposed use is an interim use of the subject property which is now unimproved, until the applicant has available funds to construct a church related structure. Therefore, the Board is of the opinion that future character and development of this neighborhood will be affected by the proposed parking lot use.

ORDERED: That the above application be CONDITIONALLY GRANTED FOR A PERIOD OF TWO YEARS.

This Order shall be subject to the following conditions:

a. Permit shall issue for a period of five (5) years but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

c. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.

d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

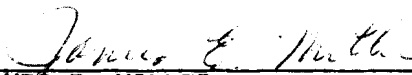
g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF ORDER: JAN 29 1975

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.